IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.354 OF 2003

Mr. Ramnath Vithal Patil. ...Petitioner.
Vs.
The State of Maharashtra & Ors. ...Respondents.

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None for the Petitioner.
Mrs. M. P. Thakur, AGP for Respondent No.1.
Mr. A.A. Garge for Respondent No.2.
Mr. G.S. Hegde for Respondent No.3.

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CORAM : F.I. REBELLO, J. AND
DR.D.Y.CHANDRACHUD, J.

February 8, 2006.

P.C.

The Petitioner- hawker has sought relief to restrain the Respondents from taking action against him. The law is now settled that though it is a fundamental right to hawk, there is no fundamental right to squat or occupy a particular area. Even otherwise, the Apex Court is seized of the matter and has issued directions in the matter of hawking zones. Considering the above, we do not think, this is a fit case to exercise our extraordinary jurisdiction. It will be open to Respondent Nos.2 and 3 to frame necessary Bye-laws in the matter of hawking, and if entitled, the Petitioner should be granted licence in terms of the Bye-laws and

Rules in force. With the above observations, the Petitioner is disposed of.

(F.I. Rebello, J.)

(Dr. D.Y. Chandrachud, J.)